

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BOBBY KNIGHT,

Plaintiff,

v.

NKIRUKA NOV, et al.,

Defendants.

Case No. 1:20-cv-01325-EPG (PC)

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT CERTAIN
CLAIMS AND DEFENDANTS BE
DISMISSED

(ECF NOS. 1 & 9)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

ORDER DIRECTING CLERK TO ASSIGN
DISTRICT JUDGE

Bobby Knight ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983, which includes state law claims.

Plaintiff filed the complaint commencing this action on September 17, 2020. (ECF No. 1). The Court screened Plaintiff's complaint. (ECF No. 9). The Court found that only the following claim should proceed past the screening stage: Plaintiff's Eighth Amendment claim against defendant Edwards for deliberate indifference to his serious medical needs. (*Id.*).

The Court gave Plaintiff thirty days to either: "a. File a First Amended Complaint; b. Notify the Court in writing that he does not want to file an amended complaint and instead wants to proceed only on his Eighth Amendment claim against defendant Edwards for deliberate indifference to his serious medical needs; or c. Notify the Court in writing that he wants to stand on his complaint." (*Id.* at 10-11). On December 8, 2020, Plaintiff notified the Court that he wants to proceed only on the claim found cognizable in the screening order.

(ECF No. 14).

Accordingly, for the reasons set forth in the Court's screening order that was entered on November 9, 2020 (ECF No. 9), and because Plaintiff has notified the Court that he wants to proceed only on the claim found cognizable in the screening order (ECF No. 14), it is **HEREBY RECOMMENDED** that all claims and defendants be dismissed, except for Plaintiff's Eighth Amendment claim against defendant Edwards for deliberate indifference to his serious medical needs.

These findings and recommendations will be submitted to the United States district judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen (14) days** after being served with these findings and recommendations, Plaintiff may file written objections with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

Additionally, IT IS ORDERED that the Clerk of Court is directed to assign a district judge to this case.

IT IS SO ORDERED.

Dated: **December 9, 2020**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE